

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICT AND MARYSVILLE JOINT
UNION SCHOOL DISTRICT.

OAH CASE NO. 2013060425

NOTICE CONCERNING WAIVER OF
RESOLUTION SESSION

Student filed this complaint with the Office of Administrative Hearings (OAH) on June 5, 2013, naming Twin Rivers Unified School District (Twin Rivers) and Marysville Joint Union School District (Marysville). Mediation is scheduled on June 20, 2013, a prehearing conference is scheduled on July 1, 2013, and a hearing is scheduled to begin on July 9, 2013.

On June 14, 2013, Marysville submitted a document to OAH captioned, "Notice of Representation; Notice of Waived Resolution Session; Marysville Joint Unified School District's Answer to Request for Due Process." Notwithstanding OAH's long-standing policy that parties cannot combine multiple motions, notices or requests in one document and that OAH will not rule on issues other than the first one identified, in order to facilitate quick resolution, this notice is given concerning the parties' waiver of the resolution session. In this document, Marysville stated that the parties have agreed to waive the resolution session. This document was not signed by either Student or Twin Rivers. In addition, the parties did not request to move forward any of the dates.

APPLICABLE LAW AND DISCUSSION

A school district must convene a meeting to discuss the issues raised in a due process complaint in order to attempt to resolve the dispute. (34 C.F.R. § 300.510 (a)(1), (2); Ed. Code, § 56501.5, subd. (a).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it (*Id.* at § 300.510 (a)(3)(i); § 56501.5, subd. (b)) or if the parent and school district agree to use mediation instead of a resolution session (*Id.* at § 300.510 (a)(3)(ii); § 45401.5, subd. (b)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1); 56501.5, subd. (d)(1).) However, the timeline does not automatically begin if the parties agree to use mediation instead of a resolution session. (*Id.* at § 300.510(c); also see 56501.5, subd. (d).)

When the parties agree in writing to waive a resolution session, OAH will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing.

In this case, the submitted document is not signed by all parties. As a result, it does not meet the requirements for a waiver of the resolution session. In addition, the document neither requested to move forward any of the dates, nor expressed a desire to advance the timeline. Accordingly, the timeline governing this matter shall not change.

Dated: June 14, 2013

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings